

REMARKS

Reconsideration and reversal of the rejections expressed in the Office Action dated May 18, 2004 are respectfully requested in light of the following.

Claims 6, 8, 9, and 20-34 are solicited, wherein claims 6, 22, 28, and 32 are presented in independent form.

With this amendment, applicants have amended claims 6, 22, and 28, and have canceled claim 7. More particularly, claim 6 has been amended to incorporate subject matter of dependent claim 7, while claims 22 and 28 have been amended to more clearly recite and further distinguish the invention from the cited references. Moreover, claim 22 has been amended to recite that in a second position the locking bar is clear of the caster, the support shaft, and the support bar so that the support shaft is free to pivot in at least a first direction about the frame member. Similarly, claim 28 has been amended to recite that in a second position the locking bar does not engage the wheel, the support shaft, and the support bar, such that the support shaft is capable of pivoting movement in at least a first direction toward the locking bar.

The Examiner has rejected claim 6-9 and 20-31 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 2,663,048 to Ross, Jr., et al (hereinafter "Ross") in view of U.S. Patent No. 746,636 to Lawrence (hereinafter "Lawrence").

The Ross patent discloses caster units 25 and 26 coupled to a cabinet 10. The caster units 25 and 26 each comprises an upper plate 27 which is secured to the lower surface of the bottom 18 of the cabinet 10 as by screws 28. A lower plate member 30 is hingedly connected to one side of the upper plate member 27, as at 31. The lower plate member 30 extends downwardly at an angle from the hinge point 31 and is provided with a flat portion 32 which is disposed in substantially parallel relation to the upper plate 27 when the caster unit is in the lowered or operative position (Fig. 2). A cam shaft 47 is held against longitudinal sliding movement in a bearing 44 and is provided with a pair of spaced cams 60 and 61. The location of the cam shaft 47 causes the greater portion of the cams 60 and 61 to be turned downwardly to engage the flat portion 32 of the plate 30 and to move the free edges of the plates 27 and 30 apart from each other. The caster rollers 40 and 41 then also move away from the upper plate 27 into an engagement with the floor F and lift the legs 20-23, inclusive, from an engagement with the floor F so that the cabinet 10 is supported by the caster rollers 40 and 41.

Lawrence discloses a hospital bedstead including a fixed foot b provided at a leg a. A pair of arms or links f pivotally support a caster bowl or runner g.

Applicants gratefully acknowledge the Examiner's indication that claims 7 and 23 contain all available subject matter. In response thereto, claim 6 has been amended to incorporate subject matter from claim 7. As such, claim 6 is believed to be in condition for allowance.

Independent claim 22 recites a caster assembly for a bed frame including a caster, a support shaft coupled to the caster, and a support bar rigidly attached to one of the support shaft and the frame member of a bed frame, the support bar being pivotally coupled to the other of the support shaft and the frame member. Amended claim 22 now further recites a locking bar configured to move between a first position in which a portion of the locking bar engages the support bar and locks the support shaft in a locked position, and second position in which the locking bar is clear of the caster, the support shaft, and the support bar so that the support shaft is free to pivot in at least a first direction about the frame member.

Ross simply does not disclose, teach or suggest "a locking bar configured to move between a first position in which a portion of the locking bar engages the support bar", and "a second position in which the locking bar is clear of the caster, the support shaft, and the support bar so that the support shaft is free to pivot in at least a first direction about the frame member." The Examiner is apparently characterizing the stops 66 and 67 of cams 60 and 61 in Ross to be part of a "locking bar". As acknowledged by the Examiner, "each locking bar does not effect the engagement of support bars of a pair of casters. The engagement is affect (sic) by the cams 60 and 61 and shaft 47." (Office Action page 10, lines 4-5). Further, the Examiner has clearly stated that he "considers only stops 66 and 67 to read on the claimed "locking bars"." (Office Action page 10, lines 19-20). It is respectfully submitted that the stop 66, 67, characterized by the Examiner as a locking bar, simply does not engage a support bar as required by amended claim 22. More particularly, stop 66, 67 does not engage the support bar and lock the support shaft in a locked position as recited by amended claim 22. The stop 66, 67 is configured to "prevent the cam from rotating further in a counter-clockwise direction" (Ross, col. 4, lines 59-64). There is no hint or suggestion that the stop 66, 67 is configured to engage the support bar and lock the support shaft in a locked position as recited in amended claim 22.

For this reason alone, it is respectfully submitted that amended claim 22 is condition for allowance.

Further, regardless of the movement of the stop 66, 67 in Ross between a first position (Fig. 2) and a second position (Fig. 1), the support shaft is not free to pivot about the frame member. More particularly, the cams 60 and 61 in both the positions of Figs. 1 and 2 restrict movement of the support shaft.

For at least the foregoing reasons, it is respectfully submitted that claim 22 and the claims dependent therefrom are in condition for allowance. Such action is respectfully requested.

Amended independent claim 28 recites a caster assembly including a housing, a wheel rotatably supported by the housing, a support shaft coupled to the housing and supported for selective pivotable movement relative to a frame member of the bed frame, and a support bar coupled to the support shaft. Claim 28 now further recites a locking bar configured to move between a first position in which the locking bar engages the support bar and the support shaft is prevented from pivoting movement in at least a first direction, and a second position in which the locking bar does not engage the wheel, the support shaft, and the support bar, such that the support shaft is capable of pivoting movement in at least a first direction toward the locking bar.

For the reasons provided above with respect to claim 22, claim 28 and the claims dependent therefrom are believed to be in condition for allowance. Such action is respectfully requested.

The Examiner rejected claims 32-34 under 35 U.S.C. § 103(a) as being unpatentable over Ross in view of Lawrence and U.S. Patent No. 5,317,769 to Weismiller et al. (hereinafter "Weismiller").

Weismiller discloses a hospital bed 10 including a bed support frame 12 connected to a base 14 by means of mechanical drives 16 and 18. A plurality of casters are coupled to the base 14.

Independent claim 32 recites a caster assembly for a bed including a support deck, a base frame, and an intermediate frame coupled to the base frame and configured to move vertically relative to the base frame, the caster assembly including a caster, a support shaft coupled to the caster and coupled to the intermediate frame for pivotal movement relative to a ground surface between a lowered position and raised position. The support deck is supported by the intermediate frame when the support shaft is in the lowered position, and the support deck is supported by the base frame when the support shaft is in the raised position. A locking member is operably associated with the support shaft and is configured

to move between a first position in which the locking member is operably coupled to the support shaft to prevent the support shaft from pivotally moving in at least a first direction from the lowered position to the raised position, and a second position in which the locking member is not operably coupled to the support shaft to allow the support shaft to pivotally move in at least a first direction from the lower position to the raised position as the intermediate frame is lowered until the base frame engages the ground surface. Neither Ross, Lawrence, nor Weismiller provide any hint of suggestion of a support shaft "coupled to the intermediate frame for pivotal movement relative to a ground surface between a lowered position and a raised position" much less that "the support deck is supported by the intermediate frame when the support shaft is in the lowered position and the support deck is supported by the base frame when the support shaft is in the raised position."

As clearly illustrated in Fig. 1 of Weismiller, the casters are coupled to the base 14, not to the bed support frame 12. In fact, it is not envisioned how Weismiller could be modified to incorporate casters coupled to the intermediate frame 12 as recited in the present invention without using the applicants' present disclosure as a blueprint in an improper hindsight analysis.

For these reasons alone, it is respectfully submitted that claim 32, and the claims dependent therefrom, are in proper condition for allowance.

The Examiner has rejected claims 8, 24, and 29 under 35 U.S.C. § 103(a) as being unpatentable over Ross in view of Lawrence, as applied to claim 6, 22, and 28, respectfully, in further of U.S. Patent No. 4,417,738 to Kendall (hereinafter "Kendall").

The Kendall patent discloses a caster assembly as used in the framework of a pallet 10. The caster assembly comprises a pressure plate 44 to which a caster 34 is pivotally secured, and a hinge plate 48, which is secured to the framework by a pivotable mounting, such as a bolt and nut 32. The lower surface of the hinge plate 48 is secured to the pressure plate 44 in a fixed fashion. The caster 34 is pivotally mounted on a lower surface of the pressure plate 44. By raising a handle portion 38 of a lever means from the surface of the pallet to a position slightly past the vertical line (A) extending through a fulcrum point 40, the lever means pivots about point 40 and an engagement point 42 presses against the pressure plate 44 and acts to lower the wheel 34 as the hinge plate 48 pivots about its mounting 32. By operation of the lever means, the caster 34 is lowered below the lower surface 36 of the pallet 10 thus raising the pallet 10 off the surface.

It is respectfully submitted that the Kendall patent fails to overcome the deficiencies of the Ross and Lawrence patents as applied above. For this reason alone, it is respectfully submitted that claims 8, 24, and 29 are properly allowable.

Claim 6, 22 and 29 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 1,058,837 to Zikmund (hereinafter "Zikmund") in view of Lawrence.

Zikmund discloses a caster mounted upon the leg 1 of a table or other article of furniture. The caster includes a caster-wheel 10 and a head 11 in which the wheel is mounted. A leaf 13 supports the caster. The caster may assume the position shown in Fig. 1 in which it is housed within a recess 2, and the position shown in Fig 2 in which the caster-wheel 10 rests upon the floor surface. A latch-plate 20 engages against the periphery of the caster-wheel 10, in the position shown in Fig. 1, and engages over the free edge portion of leaf 13, in the position shown in Fig. 2.

As mentioned above, independent claim 6 now incorporates subject matter of independent claim 7. As such, claim 6 and the claims dependent therefrom are believed to be in condition for allowance.

Neither Zikmund nor Lawrence provide any teaching or suggestion of providing the elements recited in independent claim 22. More particularly, there is no teaching or suggestion of locking bars which are moveable between "a first position in which a portion of the locking bar engages the support bar and locks the support shaft in a locked position," and "a second position in which the locking bar is clear of the caster, the support shaft, and the support bar so that the support shaft is free to pivot in at least a first direction about the frame member." In Fig. 1 of Zikmund, the alleged locking bar 20 engages the caster-wheel 10 to prevent movement thereof, while in Fig. 5, the alleged locking bar 20 engages the leaf 13 to prevent upward movement of the caster 10. For at least this reason, it is respectfully submitted that amended claim 22 is in condition for allowance.

Independent claim 28 recites "a locking bar configured to move between a first position in which the locking bar engages the support bar, and the support shaft is prevented from pivoting movement in at least a first direction, and a second position in which the locking bar does not engage the wheel, the support shaft, and the support bar such that the support shaft is capable of pivoting movement in at least a first direction toward the locking bar." For the reasons provided above with respect to independent claim 22, claim 28 and the

claims dependent therefrom are believed to be in condition for allowance. Such action is respectfully requested.

Claims 32-34 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Zikmund in view of Ross and Weismiller

Again, none of Zikmund, Lawrence and Weismiller prevent any hint or suggestion of coupling a support shaft to the intermediate frame for pivotal movement relative to the ground surface between a lowered position and a raised position as clearly recited in claim 32. Further, there is simply no teaching or suggestion in the applied references of the support deck being supported by the intermediate frame when the support shaft is in lowered position and the support deck being supported by the base frame when the support shaft is in the raised position.

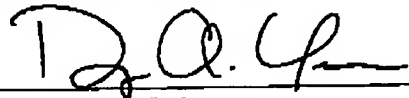
For at least these reasons, it is respectfully submitted that claim 32, and the claims dependent therefrom, are in condition for allowance. Such action is respectfully requested.

In view of the foregoing, it is respectfully submitted that all the solicited claims are in proper condition for allowance. Such action is respectfully requested.

If necessary, applicants request that this response be considered a request for an extension of time appropriate for the response to be timely filed. Applicant requests that any required fees needed beyond those submitted with this response be charged to the deposit account of Bose McKinney & Evans, Deposit Account No. 02-3223.

The Examiner is invited to contact the undersigned at the telephone number provided below should any questions or comments arise during reconsideration of this matter.

Respectfully submitted



Douglas A. Yerkson  
Reg. No. 39,882

Indianapolis, Indiana 46204  
(317) 684-5000

561244/8266-0783